

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-06069-BCM**

Osen LLC v. United States Central Command
Assigned to: Magistrate Judge Barbara C. Moses
Cause: 05:552 Freedom of Information Act

Date Filed: 07/03/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Osen LLC**

represented by **William Adam Friedman**
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V.

Defendant**United States Central Command**

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Date Filed	#	Docket Text
07/03/2018	<u>1</u>	<u>FILING ERROR – DEFICIENT PLEADING – SIGNATURE ERROR –</u> COMPLAINT against United States Central Command. (Filing Fee \$ 400.00, Receipt Number 0208-15283871) Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Friedman, William) Modified on 7/5/2018 (pc). (Entered: 07/03/2018)
07/03/2018	<u>2</u>	<u>FILING ERROR – PDF ERROR –</u> CIVIL COVER SHEET filed. (Friedman, William) Modified on 7/5/2018 (pc). (Entered: 07/03/2018)
07/03/2018	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Osen LLC.(Friedman, William) (Entered: 07/03/2018)
07/03/2018	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Central Command, re: <u>1</u> Complaint. Document filed by Osen LLC. (Friedman, William) (Entered: 07/03/2018)

07/03/2018	<u>5</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 17-cv-4457 (KPF). Document filed by Osen LLC.(Friedman, William) (Entered: 07/03/2018)
07/05/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney William Adam Friedman to RE-FILE Document No. <u>2</u> Civil Cover Sheet. The filing is deficient for the following reason(s): Civil cover sheet does not cite related case number and judge. (pc) (Entered: 07/05/2018)
07/05/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (pc) (Entered: 07/05/2018)
07/05/2018		Case Designated ECF. (pc) (Entered: 07/05/2018)
07/05/2018		CASE REFERRED TO Judge Katherine Polk Failla as possibly related to 17cv4457. (pc) (Entered: 07/05/2018)
07/05/2018	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to United States Central Command. (pc) (Entered: 07/05/2018)
07/05/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney William Adam Friedman to RE-FILE Document No. <u>1</u> Complaint. The filing is deficient for the following reason(s): the pleading was not signed by the attorney who filed it. Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (pc) (Entered: 07/05/2018)
07/05/2018	<u>7</u>	CIVIL COVER SHEET filed. (Friedman, William) (Entered: 07/05/2018)
07/05/2018	<u>8</u>	NOTICE OF APPEARANCE by Michael Jacob Radine on behalf of Osen LLC. (Radine, Michael) (Entered: 07/05/2018)
07/05/2018	<u>9</u>	COMPLAINT against United States Central Command. Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Radine, Michael) (Entered: 07/05/2018)
07/09/2018		CASE DECLINED AS NOT RELATED. Case referred as related to 17cv4457 and declined by Judge Katherine Polk Failla and returned to wheel for assignment. (wb) (Entered: 07/09/2018)
07/09/2018		NOTICE OF CASE REASSIGNMENT to Judge George B. Daniels. Judge Unassigned is no longer assigned to the case. (wb) (Entered: 07/09/2018)
07/09/2018		Magistrate Judge Barbara C. Moses is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (wb) (Entered: 07/09/2018)
07/16/2018	<u>10</u>	INITIAL PRETRIAL CONFERENCE: Initial Conference set for 10/11/2018 at 09:30 AM in Courtroom 11A at the United States District Courthouse, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels. (Signed by Judge George B. Daniels on 7/16/2018) (mro) (Entered: 07/16/2018)
07/18/2018	<u>11</u>	NOTICE OF APPEARANCE by Andrew Edward Krause on behalf of United States Central Command. (Krause, Andrew) (Entered: 07/18/2018)
08/13/2018	<u>12</u>	ANSWER to <u>9</u> Complaint. Document filed by United States Central Command.(Krause, Andrew) (Entered: 08/13/2018)
08/16/2018	<u>13</u>	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by Osen LLC, United States Central Command. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Barbara C. Moses. (Signed by Judge George B. Daniels on 8/16/2018) (jwh) (Entered: 08/16/2018)
08/17/2018	<u>14</u>	ORDER SCHEDULING INITIAL CASE MANAGEMENT CONFERENCE: Initial Conference set for 9/26/2018 at 10:30 AM in Courtroom 20A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Barbara C. Moses. (As further set forth in

		this Order.) (Signed by Magistrate Judge Barbara C. Moses on 8/17/2018) (cf) (Entered: 08/17/2018)
09/18/2018	<u>15</u>	JOINT PRE-CONFERENCE STATEMENT <i>pursuant to the Court's August 17, 2018 order.</i> Document filed by Osen LLC.(Radine, Michael) (Entered: 09/18/2018)
09/26/2018		Minute Entry for proceedings held before Magistrate Judge Barbara Moses: Initial Pretrial Conference held on 9/26/2018. (Snell, Kevin) (Entered: 09/26/2018)
09/26/2018	<u>16</u>	INITIAL CASE MANAGEMENT ORDER: The parties shall not amend their pleadings, or join additional parties, absent leave of the Court. Defendant's summary judgment motion shall be filed no later than November 21, 2018. Plaintiff's opposition and cross-motion for summary judgment shall be filed no later than December 19, 2018. Defendant's optional reply shall be filed no later than January 9, 2019, and plaintiff's optional reply in support of its cross-motion shall be filed no later than January 23, 2019. (As further set forth in this Order.) Motions due by 11/21/2018. Cross Motions due by 12/19/2018. Responses due by 1/9/2019 Replies due by 1/23/2019. (Signed by Magistrate Judge Barbara C. Moses on 9/26/2018) (cf) (Entered: 09/26/2018)
10/10/2018	<u>17</u>	LETTER MOTION for Extension of Time addressed to Magistrate Judge Barbara C. Moses from Andrew E. Krause dated October 10, 2018. Document filed by United States Central Command.(Krause, Andrew) (Entered: 10/10/2018)
10/10/2018	<u>18</u>	ORDER granting <u>17</u> Letter Motion for Extension of Time. Application GRANTED. The briefing schedule on the parties' anticipated motions for summary judgment is modified as noted above. Motions due by 12/5/2018. (Signed by Magistrate Judge Barbara C. Moses on 10/10/2018) (cf) (Entered: 10/10/2018)
10/10/2018		Set/Reset Deadlines: Cross Motions due by 1/9/2019. Responses due by 1/30/2019 Replies due by 2/13/2019. (cf) (Entered: 10/10/2018)
11/26/2018	<u>19</u>	LETTER MOTION for Extension of Time addressed to Magistrate Judge Barbara C. Moses from Andrew E. Krause dated November 26, 2018. Document filed by United States Central Command.(Krause, Andrew) (Entered: 11/26/2018)
11/26/2018	<u>20</u>	ORDER granting <u>19</u> Letter Motion for Extension of Time. Application GRANTED. The briefing schedule on the parties anticipated motions for summary judgment is modified as indicated below. Defendants summary judgment motion shall be filed no later than December 19, 2018. Plaintiffs opposition and cross-motion for summary judgment shall be filed no later than January 23, 2019. Defendants optional reply shall be filed no later than February 13, 2019. Plaintiffs optional reply in support of its cross-motion shall be filed no later than February 27, 2019. SO ORDERED. (Motions due by 12/19/2018.) (Signed by Magistrate Judge Barbara C. Moses on 11/26/2018) (jca) (Entered: 11/26/2018)
11/26/2018		Set/Reset Deadlines: Responses due by 1/23/2019, Replies due by 2/27/2019. (jca) (Entered: 11/26/2018)
12/19/2018	<u>21</u>	MOTION for Summary Judgment . Document filed by United States Central Command. Responses due by 1/23/2019(Krause, Andrew) (Entered: 12/19/2018)
12/19/2018	<u>22</u>	MEMORANDUM OF LAW in Support re: <u>21</u> MOTION for Summary Judgment . . Document filed by United States Central Command. (Krause, Andrew) (Entered: 12/19/2018)
12/19/2018	<u>23</u>	DECLARATION of Major General Michael Erik Kurilla in Support re: <u>21</u> MOTION for Summary Judgment .. Document filed by United States Central Command. (Attachments: # <u>1</u> Exhibit 1 (Delegation of classification authority), # <u>2</u> Exhibit 2 (Vaughn index))(Krause, Andrew) (Entered: 12/19/2018)
12/27/2018	<u>24</u>	STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/18) (yv) (Entered: 01/02/2019)
01/31/2019	<u>25</u>	ORDER: Plaintiff's opposition to defendant's motion for summary judgment and cross motion for summary judgment shall be filed no later than February 21, 2019.

		Defendant's optional reply shall be filed no later than March 14, 2019. Plaintiff's optional reply in support of its cross motion for summary judgment shall be filed no later than March 28, 2019. (As further set forth in this Order.) (Responses due by 2/21/2019, Replies due by 3/28/2019.) (Signed by Magistrate Judge Barbara C. Moses on 1/31/2019) (cf) (Entered: 01/31/2019)
02/21/2019	<u>26</u>	CROSS MOTION for Summary Judgment . Document filed by Osen LLC. Responses due by 3/14/2019(Radine, Michael) (Entered: 02/21/2019)
02/21/2019	<u>27</u>	MEMORANDUM OF LAW in Support re: <u>26</u> CROSS MOTION for Summary Judgment . <i>and in Opposition to Defendant's Motion for Summary Judgment..</i> Document filed by Osen LLC. (Radine, Michael) (Entered: 02/21/2019)
02/21/2019	<u>28</u>	DECLARATION of Michael J. Radine in Support re: <u>26</u> CROSS MOTION for Summary Judgment .. Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8A, # <u>9</u> Exhibit 8B, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Exhibit 24, # <u>26</u> Exhibit 25, # <u>27</u> Exhibit 26, # <u>28</u> Exhibit 27, # <u>29</u> Exhibit 28, # <u>30</u> Exhibit 29, # <u>31</u> Exhibit 30, # <u>32</u> Exhibit 31)(Radine, Michael) (Entered: 02/21/2019)
03/06/2019	<u>29</u>	LETTER MOTION for Extension of Time <i>of Defendant's deadline to file its reply brief</i> addressed to Magistrate Judge Barbara C. Moses from Andrew E. Krause dated March 6, 2019. Document filed by United States Central Command.(Krause, Andrew) (Entered: 03/06/2019)
03/07/2019	<u>30</u>	ORDER granting <u>29</u> LETTER MOTION for Extension of Time of Defendant's deadline to file its reply brief addressed to Magistrate Judge Barbara C. Moses from Andrew E. Krause dated March 6, 2019. Document filed by United States Central Command. Application GRANTED. The parties shall adhere to the briefing schedule indicated below. SO ORDERED. (Signed by Magistrate Judge Barbara C. Moses on 3/7/2019) (rjm) (Entered: 03/07/2019)
03/07/2019		Set/Reset Deadlines: Replies due by 4/4/2019. (rjm) (Entered: 03/07/2019)
03/07/2019		Set/Reset Deadlines: Responses due by 3/21/2019. (rjm) (Entered: 03/07/2019)
03/20/2019	<u>31</u>	REPLY MEMORANDUM OF LAW in Support re: <u>21</u> MOTION for Summary Judgment . <i>and in opposition to Plaintiff's cross-motion for summary judgment [Dkt. No. 26]</i> . Document filed by United States Central Command. (Krause, Andrew) (Entered: 03/20/2019)
03/20/2019	<u>32</u>	DECLARATION of Major General Michael Erik Kurilla in Support re: <u>21</u> MOTION for Summary Judgment .. Document filed by United States Central Command. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Krause, Andrew) (Entered: 03/20/2019)
03/27/2019	<u>33</u>	LETTER addressed to Magistrate Judge Barbara C. Moses from Andrew E. Krause dated March 27, 2019 re: notification regarding decision in Osen LLC v. United States Central Command, 17 Civ. 4457 (KPF). Document filed by United States Central Command.(Krause, Andrew) (Entered: 03/27/2019)
04/04/2019	<u>34</u>	REPLY MEMORANDUM OF LAW in Support re: <u>26</u> CROSS MOTION for Summary Judgment . . Document filed by Osen LLC. (Radine, Michael) (Entered: 04/04/2019)
07/05/2019	<u>35</u>	MOTION for William A. Friedman to Withdraw as Attorney . Document filed by Osen LLC. (Attachments: # <u>1</u> Declaration of William A. Friedman)(Friedman, William) (Entered: 07/05/2019)
07/08/2019	<u>36</u>	MEMO ENDORSEMENT granting <u>35</u> Motion to Withdraw as Attorney. ENDORSEMENT: Application GRANTED. The Clerk of Court is respectfully directed to terminate William A. Friedman as counsel of record for plaintiff. Attorney William Adam Friedman terminated (Signed by Magistrate Judge Barbara C. Moses on 7/8/2019) (cf) (Entered: 07/08/2019)

09/30/2019	<u>37</u>	<p>OPINION AND ORDER: For the reasons set forth above, defendant's motion (Dkt. No. 21) is GRANTED IN PART, and plaintiff's motion (Dkt. No. 26) is DENIED. However, the Court will not enter judgment at this time, in order to afford the parties an opportunity to consider whether to further litigate the issues left open above. See <i>Morales v. Quintel Entmt, Inc.</i>, 249 F.3d 115, 121 (2d Cir. 2001) ("[E]ven when both parties move for summary judgment, asserting the absence of any genuine issues of material fact, a court need not enter judgment for either party."). The Court will conduct a status conference on October 24, 2019, at 10:30 a.m., in Courtroom 20A, 500 Pearl Street, New York, New York. No later than October 17, 2019, the parties shall submit a joint letter (1) addressing any outstanding redactions under Exemption 6 that Osen contends to be of places, organizations, or other non-persons, see Pl. Reply Mem. at 4; and (2)proposing a schedule for Osen to provide CENTCOM a list of names and/or photographs itbelieves are identical to a prior CENTCOM release, and for CENTCOM to respond. If the parties have resolved the issues left outstanding in this Opinion and Order (or believe they will be able to without the Court's involvement), they may request that the conference be held telephonically. The Clerk of Court is directed to terminate the motions at Dkt. Nos. 21 and 26. SO ORDERED. (Signed by Magistrate Judge Barbara C. Moses on 9/30/2019) (jca) (Entered: 09/30/2019)</p>
09/30/2019		<p>Set/Reset Hearings: Status Conference set for 10/24/2019 at 10:30 AM in Courtroom 20A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Barbara C. Moses. (jca) (Entered: 09/30/2019)</p>
10/17/2019	<u>38</u>	<p>JOINT LETTER addressed to Magistrate Judge Barbara C. Moses from Andrew E. Krause and Michael J. Radine dated October 17, 2019 re: status report regarding two remaining issues. Document filed by United States Central Command.(Krause, Andrew) (Entered: 10/17/2019)</p>